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<b>TO:</b>	<b>FROM:</b>
<b>Name:</b> Mail Stop AMENDMENT Group Art Unit 3764/Examiner Michael Brown	<b>Name:</b> Amedeo F. Ferraro
<b>Firm:</b> U.S. Patent & Trademark Office	<b>Phone No.:</b> 310-286-9800
<b>Fax No.:</b> 571-273-8300	<b>No. of Pages (including this):</b> 49
<b>Subject:</b> U.S. Patent Application No. 10/685,776 Gary Karlin Michelson Filed: October 15, 2003 METHOD FOR FORMING THROUGH A GUARD AN IMPLANTATION SPACE IN THE HUMAN SPINE Attorney Docket No. 102.0001-13000 Customer No. 22882 Confirmation No.: 6323	<b>Date:</b> October 17, 2005  <b>Confirmation Copy to Follow:</b> NO

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TRANSMISSION 1 OF 3

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO-1449 with 16 documents are being facsimile transmitted to the U.S. Patent and Trademark Office on October 17, 2005.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 102.0001-13000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary Karlin Michelson )  
Serial No.: 10/685,776 )  
Filed: October 15, 2003 )  
For: METHOD FOR FORMING THROUGH )  
A GUARD AN IMPLANTATION SPACE )  
IN THE HUMAN SPINE )

Confirmation No.: 6323  
Group Art Unit: 3764  
Examiner: Michael Brown

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English abstracts/translations of the non-English documents are enclosed as indicated.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 17, 2005

By: 

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OMB 0651-0031

Substitute for FORM PTO-1449			Attorney Docket Number 102.0001-13000		Customer No. 22882	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>			Applicant Gary Karlin Michelson		Application Number 10/685,776	
(Use several sheets if necessary) Sheet <u>1</u> of <u>2</u>			Filing Date October 15, 2003		Group Art Unit 3764	Examiner M. Brown
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,100,319	11/1937	Brown et al.			
	2,984,241	5/1961	Carlson			
	3,834,393	9/1974	Goggins			
	4,010,737	3/1977	Vilaghy et al.			
	4,067,340	1/1978	LeNoir			
	4,142,517	3/1979	Stavropoulos et al.			
	4,153,053	5/1979	Figallo			
	4,337,773	7/1982	Raftopoulos et al.			
	4,356,828	11/1982	Jamshidi			
	4,444,184	4/1984	Oretorp			
	4,466,429	8/1984	Loscher et al.			
	4,497,320	2/1985	Nicholson et al.			
	4,589,414	5/1986	Yoshida et al.			
	4,603,694	8/1986	Wheeler			
	4,612,053	9/1986	Brown et al.			
	4,761,406	8/1988	Flora et al.			
	4,798,213	1/1989	Doppelt			
	4,843,112	6/1989	Gerhart et al.			
	4,905,671	3/1990	Senge et al.			
	4,944,744	7/1990	Ray			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	3 219 575	12/1983	Germany			Abstract Only
	3 414 374	10/1985	Germany			Abstract Only
	1 050 383	12/1986	Great Britain			N/A
	1 225 543	4/1986	Soviet Union			No
	1 148 610	7/1985	Soviet Union			Yes
	662 082	5/1979	USSR			Yes

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Blauth et al.; Therapeutic Concept and Results of Operative Treatment in Acute Trauma of the Thoracic and Lumbar Spine: The Hannover Experience; Raven Press, Ltd. New York; 1987.
	Carlson et al.; The Use of Methylmethacrylate in Repair of Neoplastic Lesions in Bone; Radiology 112:43-46; 1974.
	Harrington, Kevin D.; The Use of Methylmethacrylate for Vertebral-Body Replacement and Anterior Stabilization of Pathological Fracture-Dislocations of the Spine due to Metastatic Malignant Disease; The Journal of Bone and Joint Surgery, Incorporated; 1981.
	Kennedy, William R.; Fractures of the Tibial Condyles; Clinical Orthopaedics and Related Research; No. 134; 1978.
	Malawer et al.; Effect of Cryosurgery and Polymethyl Methacrylate on a Tumor Cavity: Evaluation of Bone Necrosis and Bone Graft Incorporation in a Dog Model; 1988.
	Richter-Turtur et al.; Das Problem der Belastungsstabilität bei pathologischen Frakturen (The Problem of Load Stability in Pathological Fractures); Akt. Traumatol. 14 Georg Thieme Verlag Stuttgart - New York; 1984.
	Schatzker, Joseph; Fractures of the Tibial Plateau; text book; 1987.
	Steffee et al.; Reduction and Stabilization of Grade IV Spondylolisthesis; Clinical Orthopaedics and Related Research - Number 227; 1988.
	Steffee et al.; Segmental Spine Plates with Pedicle Screw Fixation; Clinical Orthopaedics and Related Research; 1986.
	Yuan-zhang et al.; Os Calcis Fracture Treated by Percutaneous Poking Reduction and Internal Fixation; Chinese Medical Journal; 1984.
EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	